

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DEMETRIUS B.,

Plaintiff,

Case No. 3:23-cv-114

vs.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

District Judge Michael J. Newman
Magistrate Judge Caroline H. Gentry

Defendant.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 14); (2) REVERSING THE COMMISSIONER’S NON-DISABILITY FINDING; (3) MAKING NO FINDING AS TO WHETHER PLAINTIFF WAS UNDER A “DISABILITY” WITHIN THE MEANING OF THE SOCIAL SECURITY ACT; (4) REMANDING THIS MATTER TO THE SOCIAL SECURITY ADMINISTRATION UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g) FOR FURTHER CONSIDERATION CONSISTENT WITH THIS DECISION; AND (5) TERMINATING THIS CASE ON THE COURT’S DOCKET

This Social Security case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Caroline H. Gentry (Doc. No. 14), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Gentry recommended that the ALJ’s non-disability finding be reversed. No objections were filed. As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation is **ADOPTED** in full; (2) the Commissioner’s non-disability finding is **REVERSED**; (3) no finding is made as to whether Plaintiff was under a “disability” within the meaning of the Social Security Act; (4) this matter is **REMANDED** to the Social Security

Administration under Sentence Four of 42 U.S.C. § 405(g) for further consideration consistent with this decision and Order; and (5) this case is **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

September 23, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge